

**Thompson v. North American Stainless, LP**

**--- U.S. --- (2011)**

**Decided January 24, 2011**

**FACTS:** Thompson and his fiancée, Regalado, worked for North American Stainless (NAS) in Kentucky. In 2003, Regalado filed against NAS on a claim of sex discrimination, through the EEOC. Three weeks later, they fired Thompson. He filed through the EEOC and eventually sued the NAS, claiming that he was fired in retaliation for Regalado's charge. The District Court granted summary judgment to NAS, finding that Title VII of the Civil Rights Act of 1964 does not allow for third-party retaliation claims. The Sixth Circuit Court of Appeals ultimately affirmed that decision. Thompson appealed.

**ISSUE:** May a third party have protection against retaliation in a Title VII case?

**HOLDING:** Yes

**DISCUSSION:** The Court found "little difficulty concluding that if the facts alleged by Thompson are true, then NAS's firing of Thompson violated Title VII."<sup>1</sup> The Court had construed the antiretaliation provision "to cover a broad range of employer conduct." The statute prohibits an employer from any action that "well might have dissuaded a reasonable worker from making or supporting a charge of discrimination." The Court found the possible firing of a fiancé to qualify as such.

The Court declined to "identify a fixed class of relationships for which third-party reprisals are unlawful." The Court anticipated that close family members would likely always meet the standard, and that "a milder reprisal on a mere acquaintance will almost never do so, but beyond that [it] was reluctant to generalize."

The Court then looked to whether Thompson was entitled to sue NAS, as NAS argued he lacked standing to do so. The Court applied to "zone of interests" tests which it crafted in Lujan v. National Wildlife Federation.<sup>2</sup> This test permitted suit for a plaintiff with an interest "arguably [sought] to be protected by the statutes," but excluded those "who might technically be injured ... but whose interests are unrelated to the statutory prohibitions in Title VII." The Court found that Thompson was not an "accidental victim" or "collateral damage" in the case, but "to the contrary, injuring him was the employer's intended means of harming Regalado."

The decision of the Sixth Circuit Court of Appeals was reversed and the case remanded for further proceedings.

<http://www.supremecourt.gov/opinions/10pdf/09-291.pdf>

**FULL TEXT OF OPINION:** <http://www.supremecourt.gov/opinions/10pdf/09-291.pdf>

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<sup>1</sup> Burlington N. & S.F.R. Co. v. White, 548 U.S. 53 (2006).

<sup>2</sup> 497 U.S. 871 (1990).